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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/720,070	09/27/1996	RICHARD G HYATT JR.	P53821C	1185

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

MAIL DATE	DELIVERY MODE
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02/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

08/720,070

Examiner

Suzanne Dino Barrett

Applicant(s)

HYATT, RICHARD G

Art Unit

3676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 30 November 2006 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

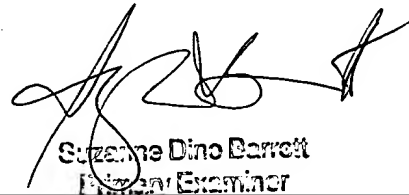
b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Contrary to Applicant's assertion in the instant amendment, the Examiner's Answer clearly states that no new grounds of rejection are presented (see footnote 1-page 4 of the answer). Therefore this amendment is not entered. Furthermore, this amendment will not be treated as a reply brief, since under 37 C.F.R. 41.44(b), a reply brief should not include any new amendment. Since this response includes an amendment, it is non-compliant under 41.44(b). Applicant's 2 month period for response (via reply brief) has expired and the file is being forwarded to the BPAI for docketing of appeal.



Suzanne Dino Barrett
Primary Examiner